

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PURDUE PHARMA L.P.,	)	
THE PURDUE FREDERICK COMPANY,	)	00 Civ. 8029 (SHS)
THE P.F. LABORATORIES, INC.,	)	01 Civ. 2109 (SHS)
THE PURDUE PHARMA COMPANY,	)	01 Civ. 8177 (SHS)
	)	
Plaintiffs and Counterclaim Defendants,	)	
	)	
v.	)	
	)	
ENDO PHARMACEUTICALS INC.,	)	
	)	
Defendant and Counterclaim Plaintiff,	)	
	)	
ENDO PHARMACEUTICALS HOLDINGS INC.,	)	
	)	
Defendant,	)	
	)	
v.	)	
	)	
EUROCELTIQUE S.A.,	)	
	)	
Counterclaim Defendant.	)	

~~PROPOSED~~ ORDER FOLLOWING REMAND  
FROM THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

On January 5, 2004, following a bench trial, this Court entered an Opinion And Order holding that plaintiffs Purdue Pharma L.P.'s, The Purdue Frederick Company's, The P.F. Laboratories, Inc.'s and The Purdue Pharma Company's (collectively, "Purdue's") United States Patent Nos. 5,549,912, 5,508,042 and 5,656,295 ("the Purdue patents") were unenforceable, and enjoining Purdue from enforcing these patents. The Court also held that Endo's proposed 10 mg, 20 mg, 40 mg, and 80 mg oxycodone hydrochloride extended-release tablets would infringe claims 1-4 of U.S.

Patent No. 5,549,912; claims 1 and 2 of U.S. Patent No. 5,508,042; and claims 1-4 and 6-10 of U.S. Patent No. 5,656,295. (Docket No. 96). The Court entered a final judgment pursuant to Fed. R. Civ. P. 54(b) on April 7, 2004. (Docket No. 124).

On July 7, 2005, Endo moved this Court for entry of an order granting attorney fees against Purdue based on the Court's judgment of unenforceability. (Docket Nos. 133-35). Endo also submitted that same day a Notice Of Hearing for a bill of costs.

On February 1, 2006, the United States Court of Appeals for the Federal Circuit issued an Opinion and Order vacating this Court's judgment of unenforceability of the Purdue patents and remanding the case for further proceedings. The Federal Circuit's mandate, which issued on February 22, 2006, was filed in the office of this Court's clerk on February 28, 2006. Accordingly, pursuant to this Court's Local Civil Rule 58.1, the Court hereby makes the Federal Circuit Order the Order of this Court.

IT IS HEREBY ORDERED that:

1. The Court's judgment of unenforceability of the Purdue patents in its January 5, 2004 Opinion And Order and April 7, 2004 Rule 54(b) Judgment is vacated, and the case shall be reconsidered by this Court, on remand, in a manner not inconsistent with the opinion of the Federal Circuit dated February 1, 2006.

2. The Court's injunction against enforcement of the Purdue patents in its January 5, 2004 Opinion And Order and April 7, 2004 Rule 54(b) Judgment is vacated.

3. Notwithstanding the vacatur of portions of the January 5, 2004 Opinion And Order and April 7, 2004 Rule 54(b) Judgment, those portions of the Opinion And Order and Rule 54(b) Judgment adjudging that Endo's proposed generic

extended-release oxycodone formulations infringe the Purdue patents, having been affirmed by the Federal Circuit, remain in effect.

~~4. Endo's Motion For Attorney Fees and its Notice Of Hearing As To Bill of Costs are dismissed without prejudice.~~

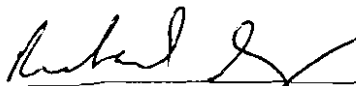
IT IS SO ORDERED.

Dated: March 29, 2006



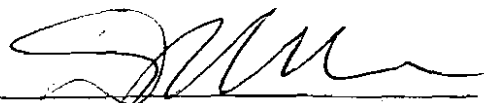
Sidney H. Stein  
United States District Court Judge

APPROVED AS TO FORM:



Herbert F. Schwartz (ES2599)  
Robert J. Goldman (RG9501)  
Denise L. Loring (DL2315)  
Richard A. Inz (RI2926)  
ROPES & GRAY LLP  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 596-9000

Attorneys for Plaintiffs and  
Counterclaim Defendants



Edward V. Filardi (EF0184)  
Constance S. Huttner (CH9702)  
Douglas R. Nemec (DN0511)  
SKADDEN ARPS SLATE MEAGHER  
& FLOM LLP  
Four Times Square  
New York, New York 10036  
Tel.: (212) 735-3000

Nicholas L. Coch (NC3541)  
Michael S. Oberman (MO9838)  
Donald L. Rhoads (DR6079)  
KRAMER LEVIN NAFTALIS &  
FRANKEL LLP  
1177 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 715-8000

Attorneys for Defendants and  
Counterclaim Plaintiff